

RE: PETITION FOR VARIANCE  
SE/Corner Cleveland and  
Central Avenues  
(6601 Cleveland Avenue)  
12th Election District  
7th Councilmanic District  
New Hope Church of God  
Petitioner

• BEFORE THE  
• ZONING COMMISSIONER  
• OF BALTIMORE COUNTY  
• Case No. 94-55-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 6601 Cleveland Avenue in southeastern Baltimore County near the subdivision of Colgate Park. The Petition was filed by the owner of the subject property, the New Hope Church of God (formerly known as the Dundalk Church of God), through its Trustees, Charles E. Sites, Kenneth Jones, and Howard Strickland. The Petitioner seeks relief from Sections 1801.2.C.1.a and 301.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 2 feet in lieu of the required 30 feet, a side yard setback of 9 feet, 9 inches in lieu of the required 20 feet, and to permit an open projection setback of 5 feet, 9 inches in lieu of the required 15 feet for an existing church building, as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Kenneth Jones and Charles E. Sites, Trustees, and the Pastor of the Church, the Reverend Ardell Hammonds. The Petitioners were represented by Wendy A. Zerwitz, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 6601 Cleveland Avenue, consists of 6600 sq.ft., more or less, zoned D.R. 5-5 and is improved with a two-story concrete block building which is the home of the New Hope Church of God. Said property is also known as Lots 206

and 207 of Block 6 of Colgate Park, an older subdivision located on the Baltimore City/Baltimore County Line in southeastern Baltimore County. In fact, the property is dissected by the City/County Line with the majority of the lot located in Baltimore City. Testimony revealed that the subject church has existed on the property for many years. The Petitioners recently expanded the existing building with an addition to the rear of the building. The officials of the Church believed that the entire property was located in Baltimore City and obtained the necessary building permits and approvals for construction therefrom. However, after construction was completed it was determined that a portion of the property is actually situated in Baltimore County. Further inspection of the property and the location of the addition on the lot disclosed that the above-cited variances were necessary in order to comply with Baltimore County setback requirements, although Baltimore County deferred to Baltimore City as to the necessary permits for the actual construction.

In any event, the matter now comes before me to address the requested variances set forth in the Petition. The Petitioners testified that they have complied with the standards set forth in Section 307.1 of the B.C.Z.R. which lists the requirements that must be satisfied in order for any variance to be granted. Therein, it is required that the Petitioners demonstrate that a denial of the variances requested would present practical difficulty, that the relief can be granted in a manner consistent with the spirit and intent of the regulations, and that the variance issued will not result in any detriment to the surrounding locale. In addressing these requirements, the Petitioners note that the building has been completed and that modification or removal of same would pose a significant hardship upon them. Moreover, they observe that the structure is consis-

tent with other buildings in the vicinity and does not block light, air or cause other detriment to the locale. One concern was voiced as to an alley which is situated to the rear of the site. However, the Petitioners testified that vehicular access on the alleyway was not impeded by the new construction.

Additionally, it was noted that the purpose for the addition was to provide additional room for Sunday Schools, and that the congregation, which presently numbers approximately 100 members, is not expected to be enlarged as a result of this construction. The sanctuary portion of the Church will remain the same size. Moreover, because many of the members of the congregation are from the immediate area and the Church supplies its own transportation, traffic congestion is not expected to occur.

Based upon the testimony and evidence presented, I am persuaded that the Petitioners have met their burden and that the variances should be granted. Clearly, denial of the variance would result in practical difficulty for the Petitioners by requiring them to relocate the building. As important, the conflicting regulations and the unusual character of this property occasioned by its dissection into two political jurisdictions constitutes a practical difficulty. Moreover, I am persuaded that the construction as shown on the site plan and in photographs submitted does not adversely affect the surrounding locale. For all of these reasons, the variances shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of December, 1993 that the Petition for Variance

seeking relief from Sections 1801.2.C.1.a and 301.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 2 feet in lieu of the required 30 feet, a side yard setback of 9 feet, 9 inches in lieu of the required 20 feet, and to permit an open projection setback of 5 feet, 9 inches in lieu of the required 15 feet for an existing church building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be voided.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING  
Date 12/29/93  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 12/29/93  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 12/29/93  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 12/29/93  
By [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113, Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

December 29, 1993

Wendy A. Zerwitz, Esquire  
600 Washington Avenue  
Towson, Maryland 21204

RE: PETITION FOR VARIANCE  
SE/Corner Cleveland and Central Avenues  
(6601 Cleveland Avenue)  
12th Election District - 7th Councilmanic District  
New Hope Church of God - Petitioner  
Case No. 94-55-A

Dear Ms. Zerwitz:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management Office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Rev. Ardell Hammonds  
6601 Cleveland Avenue, Baltimore, Md. 21222

Mr. Kenneth Jones  
1349 Hazeltown Road, Dundalk, Md. 21222

People's Counsel: Fife



## Petition for Variance 55

to the Zoning Commissioner of Baltimore County 94-55-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1801.2.C.1.a and 301.1.a to permit a rear yard setback of 2 ft. and a side yard setback of 9 ft. 9 in. in lieu of the required 30 ft. and 20 ft. respectively and to permit an open projection setback of 5 ft. 9 in. in lieu of the required 15 ft. all for an existing church building. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1801.2.C.1.a and 301.1.a to permit a rear yard setback of 2 ft. and a side yard setback of 9 ft. 9 in. in lieu of the required 30 ft. and 20 ft. respectively and to permit an open projection setback of 5 ft. 9 in. in lieu of the required 15 ft. all for an existing church building. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1801.2.C.1.a and 301.1.a to permit a rear yard setback of 2 ft. and a side yard setback of 9 ft. 9 in. in lieu of the required 30 ft. and 20 ft. respectively and to permit an open projection setback of 5 ft. 9 in. in lieu of the required 15 ft. all for an existing church building.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:  
Dundalk Church Of God  
(Type or Print Name)

Signature  
6601 Cleveland Ave.  
Address  
Baltimore Md. 21222  
City and State

Attorney for Petitioner:  
Wendy A Zerwitz  
(Type or Print Name)

Signature  
600 Washington Ave.  
Address  
Towson Md. 21204  
City and State

Attorney's Telephone No.: 288-9303

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Legal Owner(s): NEW HOPE CHURCH OF GOD  
Charles E. Sites  
(Type or Print Name)

Signature  
Kenneth Jones  
(Type or Print Name)

Signature  
Howard Strickland  
(Type or Print Name)

Signature  
6601 Cleveland Ave.  
Address  
Baltimore Md. 21222  
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.  
Kenneth Jones  
1349 Hazeltown Rd. Dundalk Md 21222  
Address Phone No.

ESTIMATED LENGTH OF HEARING  
AVAILABLE FOR HEARING  
MON./TUES./WED. - NEXT TWO MONTHS  
ALL OTHER  
REVIEWED BY: [Signature] DATE: 1/5/93

### AMERICAN ENGINEERING CONSULTING ENGINEERS AND LAND SURVEYORS

"STATE REGISTERED"

SUITE 206

GLENMONT TOWERS

6920 DONACHE ROAD

BALTIMORE, MD. 21239

821-6844

255-4200

PROPERTY SURVEY  
LAND SUBDIVISION  
AND DEVELOPMENT

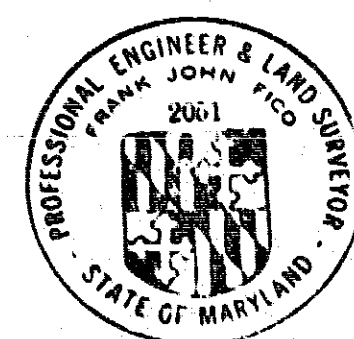
June 11, 1993

### PROPERTY DESCRIPTION

DUNDALK CHURCH OF GOD  
6601 Cleveland Ave.  
Dundalk, Md.

Being Lot Nos. 206 and 207, Block 6 in the subdivision of Amended Plat of Colgate Park recorded in Baltimore County in Plat Book W.P.C. 7 folio 24 and also being recorded among the Plat Records of Baltimore City in Plat Book S.C.L. 3966 folio 644, containing 6600 sq. ft.

Lot No. 207 being located partly in Baltimore County and partly in that part of Baltimore County annexed to Baltimore City by the Act of the General Assembly of Maryland of 1918, Lot No. 206 being situated in Baltimore City, Maryland. Also known as 6601 Cleveland Avenue, Dundalk, Md. and being located Baltimore City and the Twelfth District of Baltimore County, Maryland.



Frank J. Fico

### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 12th Date of Posting: 1/5/93  
Posted for: Dundalk Church of God  
Petitioner: Dundalk Church of God  
Location of property: 6601 Cleveland Ave., Dundalk, Md.  
Location of Sign: 6601 Cleveland Ave., Dundalk, Md.  
Remarks: [Signature]  
Posted by: [Signature] Date of return: 1/19/93  
Number of Signs: 1

### CERTIFICATE OF PUBLICATION

TOWSON, MD. Aug 19, 1993

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on Aug 19, 1993.

THE JEFFERSONIAN,

A. Henricson  
LEGAL AD - TOWSON  
Hennrich

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by Authority of the Zoning Act and the Zoning Regulations, has ordered a public hearing on the proposed Variance from the Zoning Regulations of Baltimore County, to be held at the County Office Building, 111 W. Calverton Avenue, Towson, Maryland 21204, on Monday, August 19, 1993, at 11:00 a.m. in Room 105, County Office Building.

Case: 94-55-A (Item 55)  
6601 Cleveland Avenue  
Dundalk, Md. 21222  
12th Election District  
7th Councilmanic District

Legal Hearing  
New Hope Church of God  
Dundalk, Md. 21222

Signature  
Lawrence E. Schmidt  
Zoning Commissioner  
for Baltimore County

10:00 (Hearing on proposed Variance from Zoning Regulations) Starts 10:00 a.m. in Room 105, County Office Building, Towson, Md. 21204.

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Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Account: R-001-6150

Number 55  
By JLL

Date 8/5/93

MAN RES VAL FILING FEE CODE 020 \$250.00

SIGN POSTING FEE CODE 080 \$35.00

TOTAL \$285.00

OWNER: NEW HOPE CHURCH OF GOD

LOC: 6601 CLEVELAND AVE.

02002#00238WCHRC

\$285.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

AUGUST 11, 1993

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-55-A (Item 55)

6601 Cleveland Avenue

SEC Cleveland and Central Avenues

12th Election District - 7th Councilmanic

Legal Owner(s): New Hope Church of God

Contract Purchaser(s): Dundalk Church of God

HEARING: FRIDAY, SEPTEMBER 10, 1993 at 11:00 a.m. in Rm. 106, County Office Building.

Variance to permit a rear yard setback of 2 feet and a side yard setback of 9 feet, 9 inches in lieu of the required 30 feet and 20 feet respectively; and to permit an open projection setback of 5 feet, 9 inches in lieu of the required 15 feet all for an existing church building.

*Carl Jablon*

Arnold Jablon  
Director

cc: New Hope Church of God, f/a/a Dundalk Church of God  
Kenneth Jones  
Wendy A. Zerwitz, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

TO: HOFFMANN PUBLISHING COMPANY  
August 19, 1993 Issue - Jeffersonian

Please forward billing to:

New Hope Church of God  
6601 Cleveland Avenue  
Baltimore, Maryland 21204  
410-285-5995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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*Lawrence E. Schmidt*

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

August 20, 1993

Wendy A. Zerwitz, Esquire  
600 Washington Avenue  
Towson, Maryland 21204

RE: Case No. 94-55-A, Item No. 55  
Petitioner: New Hope Church of God, et al  
Petition for Variance

Dear Ms. Zerwitz:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 5, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 23, 1993  
Zoning Administration and Development Management

FROM: Robert W. Bowling, Senior Engineer  
Development Plan Review Section

RE: Zoning Advisory Committee Meeting  
for August 23, 1993  
Item No. 55

The Development Plan Review Section has reviewed the subject zoning item. This site should comply with the Landscape Manual to the extent possible.

RWB:ra



Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

8-13-93

Re: Baltimore County  
Item No. 55 (JLL)

Ms. Helene Kehring  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*for Bob Small*  
John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is \_\_\_\_\_

Teletypewriter for Impaired Hearing or Speech  
303-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: August 12, 1993

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):  
Item Nos. 40, 41, 45, 53, 54, 55, 56, 57, 59, 61 and 63.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*

Division Chief: *Cheryl L. Kerns*

PK/JLL:lw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee

DATE: August 12, 1993

FROM: Jerry L. Pfeifer, Captain  
Investigative Services

SUBJECT: August 23, 1993 Meeting

- #46 - Proposed building shall comply with the 1991 Life Safety Code.
- #50 - Proposed buildings shall comply with the 1991 Life Safety Code.
- #51 - No comments.
- #52 - No comments.
- #53 - No comments.
- #54 - No comments.
- #55 - No comments.
- #56 - No comments.
- #57 - No comments.
- #59 - No comments.
- #60 - Building shall comply with the 1991 Life Safety Code.
- #61 - Proposed addition shall comply with the 1991 Life Safety Code.
- #63 - No comments.

JLP/dal

cc: JLL

RECEIVED

AUG 18 1993

ZADM

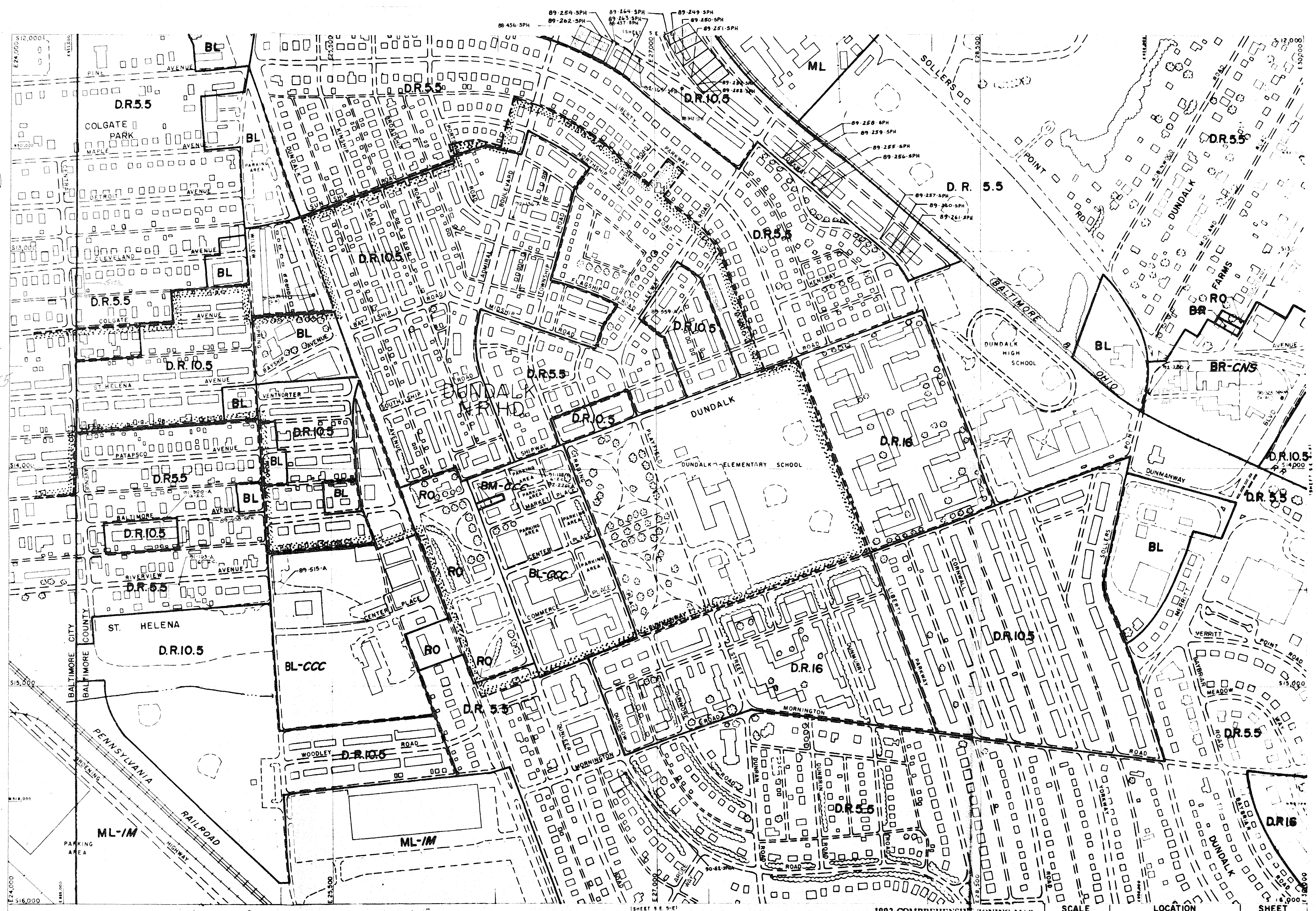
ZAC. 40/PZONE/ZAC1







94-55-A  
SE  
AE  
#55



F-SE E-SW

1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1992  
BMC Nos. 144-92, 145-92, 146-92, 147-92, 148-92, 149-92, 150-92  
*William A. Howard IV*  
Chairman, County Council

# BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1992  
BMC Nos. 143-92, 144-92, 145-92, 146-92, 147-92, 148-92, 149-92, 150-92  
*William A. Howard IV*  
Chairman, County Council

SCALE 1" = 200'	LOCATION DUNDALK	SHEET S E 4-E
DATE OF PHOTOGRAPHY JANUARY 1986		

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210